

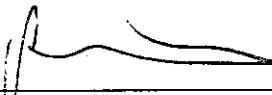
RECEIVED & FILED

FEB 23 2011

OFFICE OF THE BANKRUPTCY CLERK
ALBANY, NY

SO ORDERED.

SIGNED this 23 day of February, 2011.



ROBERT E. LITTLEFIELD, JR.
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

HIGHGATE LTC MANAGEMENT, LLC, *et al.*,

Debtors.

x Chapter 11

Case No. 07-11068 (REL)
(Jointly Administered)

EF CONSULTING LLC AND
OASIS HC LLC,

Plaintiffs,

Adversary Pro. No. 10-90175

v.

GENERAL ELECTRIC CAPITAL
CORPORATION,

Defendant.

x

ORDER DISMISSING ADVERSARY COMPLAINT

Upon Defendant General Electric Capital Corporation's ("GECC") Motion Pursuant to Bankruptcy Rule 7012(b) to Dismiss Adversary Complaint dated January 6, 2011 (the "Motion"), including the Declaration of Richard Arrowsmith in Support of the Motion dated January 4, 2011 [ECF Docket No. 5] and Memorandum of Law in Support of the Motion [ECF Docket No. 6]; and upon Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion to Dismiss and in Support of Plaintiffs' Motion for Partial Summary Judgment dated February 7, 2011 [ECF Docket Nos. 13 and 16], Declaration of Nachum Sherman dated February 6, 2011 [ECF Docket Nos. 14 and 15], Plaintiffs' Rule 56 Statement dated February 7, 2011 [ECF Docket No. 17] and Defendant GECC's Memorandum in Reply to Plaintiffs' Opposition to Motion to Dismiss dated February 10, 2011 [ECF Docket No. 21]; and the arguments of counsel for each of GECC and Plaintiffs at the hearing on the Motion held on February 11, 2011 (the "Hearing"); and after due deliberation and sufficient cause appearing therefore, it is hereby

ORDERED that, for the reasons set forth on the record (the "Record") of the Hearing, which is incorporated by reference herein, the Motion is granted as set forth herein and on the Record and the Adversary Complaint is therefore dismissed in its entirety with prejudice pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure and Rules 7012(b) and 7009 of the Federal Rules of Bankruptcy Procedure; and it is further

ORDERED that, the Adversary Proceeding is closed.

###